

6/14/2023

IN THE CIRCUIT COURT OF FREDERICK COUNTY, MARYLAND

* * * * *

STATE OF MARYLAND *
*
v. *
* Case No.: C-10-CR-23-000539
LOGAN VOEGTLY *
Defendant *

* * * * *

MOTIONS PURSUANT TO MARYLAND RULES 4-252 AND 4-253

TO THE CLERK OF THE CIRCUIT COURT:

Defendant, pursuant to Rules 4-252 and 4-253 of the Maryland Rules of Criminal Procedure respectfully represents the following to this Honorable Court:

- 1) That any in-court identification of Defendant by prosecution witnesses will be tainted as the result of impermissibly suggestive identification procedures undertaken by police authorities as to give rise to a substantial likelihood of irreparable misidentification.

WHEREFORE, Defendant respectfully prays that this Honorable Court suppress any in-court identification of Defendant which may be undertaken by the State; and

- 2) That articles of evidence taken from Defendant by police authorities were obtained as the result of an illegal search and seizure in violation of Defendant's constitutional rights.

WHEREFORE, Defendant respectfully prays that this Honorable Court suppress all evidence obtained by police authorities as the result of an illegal search and seizure; and

- 3) That any statements and/or confessions taken from Defendant by police authorities were elicited without mandatory procedural safeguards in violation of Defendant's constitutional rights.

WHEREFORE, Defendant respectfully prays that this Honorable Court suppress all statements and/or confessions taken from Defendant by police authorities; and

- 4) That Defendant may be charged with unrelated crimes. That a joint trial on this charge and any such others would prejudice Defendant's right to a fair and impartial trial.

WHEREFORE, Defendant respectfully prays that this Honorable Court sever the trial of these charges; and

- 5) That Defendant may be jointly charged with other defendant(s). That facts involved in the trial of the Defendant are at variance with those involved in the trial of any other defendant(s). That a joint trial of the Defendant with any co-defendant(s) would prejudice his/her right and deny him/her a fair and impartial trial.

WHEREFORE, Defendant respectfully prays that this Honorable Court sever his/her trial from that of any co-defendant(s); and

- 6) That the Criminal Information and/or Indictment is defective.

WHEREFORE, Defendant respectfully prays for dismissal of the Criminal Information and/or Indictment; and

- 7) That this prosecution is barred because of statute of limitations, immunity and/or former jeopardy.

WHEREFORE, Defendant respectfully prays for dismissal of the Criminal Information and/or Indictment; and

- 8) And for such further reasons to be argued at the hearing of this Motion.

Points and Authorities

Maryland Rule 4-263

Kardy v. Shook, 237 Md. 524, 207 A.2d 83 (1965).

Blake v. State, 15 Md. App. 674, 292 A.2d 780 (1972).

Jackson v. State, 288 Md. 191, 416 A.2d 278 (1980).

Mayson v. State, 238 Md. 283, 108 A.2d 599 (1965).

Brady v. Maryland, 373 U.S. 83 (1963).

Carr v. State, 284 Md. 455 (1979).

Jones v. State, 297 Md. 7, 464 A.2d 977 (1983).

Leonard v. State, 290 Md. 295 (1981).

Knoedler v. State, 69 Md. App. 764, 519 A.2d 811 (1987).

DiNatale v. State, 8 Md. App. 455, 260 A.2d 669 (1970).

Jones v. State, 38 Md. App. 432, 381 A.2d 317 (1978), *aff'd* 284 Md. 232, 395 A.2d 1182 (1979).

Respectfully submitted,

/s/

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Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 13, 2023, a copy of the foregoing was delivered via MDEC to the State's Attorney's Office for Frederick County.

/s/

Kush Arora, Esq.